



## environment law- legal changes published in August 2021

**Government Ordinance no. 2/2021 on the landfill of waste** was published in the Official Gazette, Part I no. 820 of 26 August 2021, entering into force on the same day.

The ordinance introduces a new legal framework for carrying out the landfilling activity, with the aim of progressively reducing the disposal by landfilling of waste that can be recycled or recovered and introducing measures to prevent and reduce the negative effects on the environment and the health of the population;

The ordinance introduces three classes of landfills, namely: landfills for hazardous waste (this category includes explosive waste, oxidizing, flammable, irritating, harmful, toxic, carcinogenic, corrosive, infectious, mutagenic, sensitizing and ecotoxic waste; landfills for non-hazardous waste (all waste that does not fall within the category of hazardous waste and landfills for inert waste (wastes which do not undergo any significant physical, chemical or biological transformation, do not dissolve, burn or react in any way physically or chemically, are not biodegradable and do not affect the materials with which they come into contact in a way that can lead to environmental pollution or harm human health). It is prohibited for landfill operators to mix waste in order to meet the acceptance criteria for a given class of landfills;

The applicant for an environmental permit/integrated environmental permit for a landfill must provide evidence of the existence of a financial environmental guarantee before the start of disposal operations. This guarantee is proof that all the requirements relating to the safety of the deposit and the protection of the environment and the health of the general public arising from the permit are met. The guarantee must be maintained throughout the period of operation, closing and post-closing monitoring of the deposit and is constituted in the form of a bank letter of guarantee or other guarantee instrument, corresponding to the value of the works established by the technical project of the deposit or by depositing a percentage share of 10% of the value of the works established by the technical project of the deposit, in an account at the disposal of the Environmental Fund Administration.

**Government Emergency Ordinance no. 92/2021 on the waste regime** was published in the Official Gazette, Part I no. 820 of 26 August 2021, entering into force on the same day.

This Emergency Ordinance aims to ensure a high level of protection of the environment and the health of the population.

Among the main measures established by the Ordinance are: prevention and reduction of waste generation and its efficient management, reduction of adverse effects caused by the generation and management of waste; reducing the overall effects of resource use and increasing the efficiency of their use as essential elements for ensuring the transition to a circular economy and guaranteeing long-term competitiveness;

In order to prevent, reuse, recycle and other types of waste recovery, the central public authority for environmental protection promotes or, as the case may be, proposes legislative measures or guidelines, recommendations, by which the producer of the product, the authorized natural person or the legal person who, on a professional basis, designs, produces, processes, treats, sells or imports products is subject to an extended producer responsibility regime.

The measures provided for include the following list:

- encouraging the design of products and product components that have a low environmental impact and generate a low amount of waste during further production and use, and to ensure the recovery and disposal of products that have become waste;
- encouraging the production, development and marketing of products and components of multi-use products containing materials resulting from recycling, which are technically sustainable and which, after they have become waste, can be properly recovered and disposed of, in conditions that are safe for the environment and public health;



- accepting returned products and waste resulting from the products are no longer used and ensuring their subsequent management without causing harm to the environment or population health, as well as assuming financial responsibility
- making available information on the reusable and recyclable nature of products available to the public;
- the impact of products throughout their life cycle, the waste hierarchy and, where appropriate, the potential for multiple recycling;

It shall be prohibited for the producer or holder of the waste to reclassify hazardous waste as non-hazardous waste by diluting or mixing it in order to reduce the initial concentrations of hazardous substances to a level below the level prescribed for a waste to be defined as hazardous;

The Ordinance establishes certain obligations for establishments and enterprises that recover waste, including having specially designed spaces for the storage of waste under conditions that guarantee the reduction of the risk to human health and the deterioration of the quality of the environment; to avoid the formation of stocks of waste to be recovered, as well as of products resulting from recovery that could generate environmental pollution phenomena or pose risks to the health of the population; to adopt the best available techniques in the field of waste recovery;

Economic operators collecting or transporting waste are required to visually check that it is properly separated and to take it separately and not to mix it during transport with other waste or materials with different properties.

The authorities of the local public administration of the administrative-territorial units or, as the case may be, the administrative-territorial subdivisions of the municipalities, respectively their intercommunity development associations, as the case may be, have the following obligations

- ensure separate collection at least for waste paper, metal, plastic and glass from municipal waste, to establish whether the management of this waste is carried out under a single contract for the delegation of the sanitation service or on several types of materials/contract/separate contracts for all types of materials/by type of material and to organise the award according to the decision taken;
- achieve a level of preparedness for re-use and recycling of at least 50 % of the total mass generated, minimum for waste paper, metal, plastic and glass from household waste or, where appropriate, from other sources, in so far as such waste streams are similar to waste from households;
- to achieve, by 2025, a minimum level of preparation for reuse and recycling of municipal waste of 55% of the mass;
- to reach, by 2030, a minimum level of preparation for reuse and recycling of municipal waste of 60% of the mass;
- to achieve, by 2035, a minimum level of preparation for reuse and recycling of municipal waste of 65% of the mass;
- to establish and include in the specifications, in the contracts for delegating the management of the sanitation service and in the regulations of the sanitation service performance indicators for each activity within the sanitation service, so as to achieve the recycling targets and penalties for not achieving them;

The holders on whose behalf building or dismantling authorizations have been issued according to the provisions of Law no. 50/1991 on the authorization of the execution of construction works, republished, with subsequent amendments, have the obligation to manage construction and dismantling waste, so as to reach a level of preparation for reuse, recycling and other material recovery operations, including backfilling operations using waste to replace other materials, of at least 70% of the mass of non-hazardous waste from construction and disposal activities;



The ordinance also provides for certain obligations for the economic operators authorized from the point of view of environmental protection for the activity of waste disposal, including

- ensure the complete disposal of the waste entrusted to them;
- use the best available techniques and not entailing excessive costs for the disposal of waste;
- to introduce in the disposal plant only the waste mentioned in the authorization issued by the county agency for environmental protection, NEPA, as the case may be, and to comply with the disposal technology approved by them.

Waste management must be carried out without endangering the health of the general public and without harming the environment, in particular without causing risks of contamination to air, water, soil, fauna or flora; without creating discomfort due to noise or odors; without adversely affecting the landscape or areas of special interest.